

### SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed June 2, 2004. Claim 14 is amended herein for clarity, and claims 14-25 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

#### Claim Objections

The Examiner objected to claims 16-18 because there is allegedly insufficient antecedent basis for the limitation “active surface” recited in these claims. Applicants have amended claim 14, from which claims 16-18 depend, to recite an active surface. Applicants respectfully submit that this amendment provides the required antecedent basis for the “active surface” recited in claims 16-18, and respectfully submit that this overcomes the Examiner’s objections.

#### Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 14-15, 19, 23 and 24 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,919,548 to Barron et al (“Barron”). Applicants respectfully traverse the Examiner’s rejections. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). As explained below, Barron cannot anticipate these claims because it does not disclose every element and limitation recited therein.

Claim 14, as amended, recites a process combination for forming a micro electromechanical (MEMS) package including providing “a semiconductor device including an active surface,” providing “a conveyance with at least one embedded MEMS device disposed therein,” and “disposing the conveyance over the semiconductor device, wherein the at least one embedded MEMS device communicates electrically to the semiconductor device.” Barron does not disclose, teach or suggest a process including these limitations. Instead, what Barron discloses is a method for micromachining sacrificial layers of a MEMS system formed in a cavity in a substrate. As shown in Figure 3a-3r, a MEMS device 200 is embedded in a cavity 12 formed in a substrate 10. What the Examiner has identified in Barron as a semiconductor device 10 is nothing of the sort—element 10 is merely a substrate that, with nothing else, cannot be considered a semiconductor device (*see, e.g.*, col. 6, line 59-60). Similarly, what the Examiner identified as a MEMS device 20 and a conveyance 24 are not what the Examiner claims—element 20 is merely a functional element

of the MEMS device 200 (*see, e.g.*, col. 7, lines 56-57), and element 24 is a sacrificial layer, not a conveyance (*see, e.g.*, col. 8, lines 1-5). Finally, even if, purely for the sake of argument, the substrate 10 could be considered a “semiconductor device” as the Examiner alleges, the MEMS device 200 would be embedded in the “semiconductor device” and not disposed over it. Applicants submit that Barron therefore cannot anticipate the claim, and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 15 and 19, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 14, as amended, is in condition for allowance. Applicants respectfully submit that claims 15 and 19 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Claim 23 recites a process combination including providing a semiconductor device, “accommodating a detached micro electromechanical structure (MEMS) device upon the semiconductor device,” providing a conveyance “over the semiconductor device and around the detached MEMS device,” and contacting encapsulation material with at least one of the semiconductor device, the detached MEMS device, and the conveyance to form an integrated MEMS package. By analogy to the discussion above for claim 14, Barron cannot disclose every element and limitation of this claim because, among other things, Barron discloses a MEMS device *embedded in* a substrate, not a detached MEMS device on a semiconductor device. Applicants submit that Barron therefore cannot anticipate the claim, and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claim 24, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 14, as amended, is in condition for allowance. Applicants respectfully submit that claim 24 is therefore allowable by virtue of its dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of the claim.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 18 and 25 under 35 U.S.C § 103(a) as obvious in view of, and therefore unpatentable over, Barron. Applicant respectfully traverses the Examiner's rejections. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claims 14 and 23, as amended, are in condition for allowance. Applicant therefore respectfully submits that claims 18 and 25 are allowable by virtue of their dependence on allowable independent claims, as well as by virtue of the features recited therein. Applicant therefore respectfully requests withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.


Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9-2-04

  
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Todd M. Becker  
Attorney for Applicant(s)  
Registration No. 43,487

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles CA 90025-1030  
Phone: 206-292-8600  
Facsimile: 206-292-8606

Enclosures: Postcard  
Amendment transmittal, in duplicate